

Application No. 10/601,007

Filed: June 20, 2003

TC Art Unit: 1797

Confirmation No.: 5771

REMARKS

Claims 7-13, 29, and 33 are currently pending. Claims 7-13, 29, and 33 stand rejected under 35 U.S.C. § 103(a). Claim 11 is further rejected under 35 U.S.C. § 112, second paragraph. Claim 7, 9, 11, and 29 have been amended. No new matter has been added.

The Applicants respectfully traverse the rejections in view of the above amendments and for the reasons provided below.

SECTION 112, SECOND PARAGRAPH REJECTIONS

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 11 has been amended. Accordingly, the grounds for rejection are believed to be moot.

SECTION 103(a) REJECTIONS

Claims 7-9, 12, 13, and 29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Number 4,680,163 to Blidschun, et al. ("Blidschun") in view of U.S. Patent Number 6,103,190 to Tanimura, et al. ("Tanimura"); claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blidschun and Tanimura, further in view of U.S. Patent Application Publication Number 2002/0063537 to Nam ("Nam"); and claims 11 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blidschun and Tanimura, further in view of U.S. Patent Number 3,819,985 to Dusevoir ("Dusevoir"). The Applicants respectfully traverse the grounds for rejection for the reasons provided below.

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Claims 7-9, 12, 13, and 29

Claim 7 of the present invention recites a sterilization method in which "water or an aqueous solution is disposed onto [the] surface of the packaging material to be sterilized before discharge" so that radicals generated in the solution by the discharge attach to or around bacteria on the surface of the packing material. In short, the water or aqueous solution must be disposed on the surface before discharge.

Blidschun teaches a method of sterilizing the surface of a material (15) using aerosol droplets that are ionized using corona discharge means (2, 2a) before they are deposited on the surface of the item to be sterilized (15). See, e.g., U.S. Patent Number 4,680,163, col. 4, lines 47-49; col. 5, lines 51-56. Thus, according to Blidschun, discharge occurs first, then the aerosol droplets are deposited on the surface of the packing material. Accordingly, accepting, *arguendo*, that "aerosol droplets" comprise "water or an aqueous solution" in the first place, Blidschun clearly teaches away from the invention as claimed.

Furthermore, Blidschun relies on the (electric) field effect to attract the negatively charged droplets outwards toward the electrode (13). See, e.g., *Id.*, col. 5, lines 17-23. One could not practice Blidschun were the droplets disposed on the object first. Indeed, with Blidschun, the discharge is necessary before deposition to move the droplets towards the object to be sterilized. Otherwise, Blidschun would not work.

Nor can Tanimura overcome the shortcomings of Blidschun. The Examiner relies on Tanimura to teach a pulsed high voltage. Tanimura does not teach, mention or suggest disposing water or an

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aqueous solution onto the surface of the packaging material before discharge.

Accordingly, the Applicants maintain that claim 7 and all claims depending therefrom satisfy 35 U.S.C. § 101, et seq., especially § 103(a), and are in condition for allowance. Withdrawal of the rejections is respectfully requested.

Claim 10

The deficiencies of the Blidschun and Tanimura references have been described above. Nor can the Nam reference make up for the deficiencies of the Blidschun and Tanimura references. The Nam reference does not teach, mention or suggest disposing water or an aqueous solution onto the surface of the packaging material before discharge.

Accordingly, the Applicants maintain that claim 13 satisfies 35 U.S.C. § 101, et seq., especially § 103(a), and is in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 11 and 33

The deficiencies of the Blidschun and Tanimura references have been described above. Nor can the Dusevoir reference make up for the deficiencies of the Blidschun and Tanimura references. Dusevoir does not teach, mention or suggest disposing water or an aqueous solution onto the surface of the packaging material before discharge.

Accordingly, the Applicants maintain that claim 11 satisfies 35 U.S.C. § 101, et seq., especially § 103(a), and is in condition

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for allowance. Withdrawal of the rejection is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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